

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**October 28, 1999**

DIVISION ONE

B120852 Varon (Not for Publication)  
v.  
Rosenberg

The appeal is dismissed. Rosenberg is awarded her costs of appeal.

Vogel (Miriam A.), J.

I concur: Masterson, J.  
I concur: Ortega, Acting P.J. (opinion)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

## DIVISION ONE (Continued)

B123434      Natural History Museum    (Not for Publication)  
of the County of Los Angeles  
v.  
Civil Service Commission of the County of Los Angeles  
Crooks, (r.p.i.)

The judgment is affirmed.

Vogel (Miriam A.), J.

I concur: Spencer, P.J.  
I concur: Ortega, J. (opinion)

B129227 People (Not for Publication)  
v.  
Delrosario

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

October 28, 1999-Continued

## DIVISION ONE (Continued)

B130184 People v. Bastian (Not for Publication)

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The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                         Masterson, J.

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Masterson, J.

B124485      Soroosh      (Not for Publication)  
v.  
State Farm Fire and Casualty Company et al.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Masterson, J.

October 28, 1999-Continued

## DIVISION ONE (Continued)

B127429      Cook et al.      (Not for Publication)  
v.  
Greenberg & Bass et al.

The judgment is affirmed. Greenberg & Bass is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

B124801      People                                  (Certified for Partial Publication)  
v.  
Norman

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

B125234      Hagen et al.      (Not for Publication)  
v.  
Longoria et al.

The judgment is affirmed. Defendants are entitled to their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

## DIVISION ONE (Continued)

B128225      People      (Not for Publication)  
v.  
Strain

The order granting a new trial is reversed, and the cause is remanded to the trial court with directions to enter judgment on the jury's verdict and to impose sentence.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

B124845 People (Not for Publication)  
v.  
Edwards

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

## October 28, 1999-Continued

## DIVISION ONE (Continued)

B130738 People (Not for Publication)  
v.  
Shamburger

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B124331 People (Not for Publication)  
v.  
Vasquez

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

B121706      Schmucl et al.      (Not for Publication)  
v.  
Professional Drivers Assoc., et al.

The judgment is reversed. The trial court is directed to vacate its order sustaining the demurrer to the second amended complaint without leave to amend and to enter a new and different order overruling the demurrer insofar as it challenges the sufficiency of the first cause of action stated against defendant Rozman and sustaining the demurrer in all other respects. The parties are to bear their own costs on appeal.

Spencer, P.J.

We concur: Ortega, J.  
Masterson, J.

## October 28, 1999-Continued

## DIVISION ONE (Continued)

B126891 Chuchua (Not for Publication)  
v.  
Stone

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

B112029 Ambe & Co. et al. (Not for Publication)  
 B127695 v.  
 H, B-H Assoc. et al.

The appeal is dismissed as to defendant H, B-H Associates. The petition for writ of mandate is granted. Let a peremptory writ of mandate issue forthwith commanding the superior court to set aside its order of February 14, 1997 dismissing the complaint and the judgment subsequently entered on March 4, 1997, and its order of April 16, 1997 awarding H, B-H Associates attorney's fees and costs. The court is directed to determine the time during which each bankruptcy stay and the appeal tolled the mandatory five-year trial period, to calculate therefrom a new five-year date and to set both matters for trial. Plaintiffs are to recover costs on appeal.

Spencer, P.J.

I concur: Ortega, J.  
I concur in the judgment: Vogel (Miriam A.), J.

B125482      Youngberg et al.      (Not for Publication)  
v.  
Bank of America National Trust & Savings Assoc.

The judgment is affirmed. The Bank is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

October 28, 1999-Continued

## DIVISION ONE (Continued)

B134220      Nancy V.      (Not for Publication)

V.

Superior Court, Los Angeles County  
(Dept. of Children & Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B120075 Los Angeles County, D.C.F.S. (Not for Publication)

V.

Donna M.

The order under review is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

B128824 People

V.

Diaz

Merits:

Argued by Harry Zimmerman for appellant and by Susan Kim, deputy attorney general, for respondent. Cause submitted.



DIVISION TWO (Continued)

B123880      Cohoat  
                 v.  
                 Klijian

Merits:

Argued by Theodore Cox for appellant and by Robert Wright for respondent. Cause submitted.

B122163      People  
                 v.  
                 Muhammand

Merits:

Argued by Maxine Weksler for appellant and by Jason Tran, deputy attorney general, for respondent. Cause submitted.

B125864      Hilton  
                 v.  
                 City of Long Beach

Merits:

Argued by Michel Ezer for appellant and cross-respondent and by Daniel Murphy, deputy city attorney, for respondent and cross-appellant. Cause submitted.

B126164      Tong  
                 v.  
                 Grover

Merits:

Argued by David Brockway for appellant and by Thomas Charchut for respondent. Cause submitted.

DIVISION TWO (Continued)

B121925     Arakawa  
               v.  
               Shectman

Merits:  
Argued by Valerie Whitworth for appellant and by Gary Starre for respondent. Cause submitted.

B128699     Sheriff's Department L.A.  
               v.  
               Belmares

Merits:  
Argued by Irma Rodriguez Moisa for appellant and by Richard Shinee for respondent. Cause submitted.

B124243     RBF Associates  
               v.  
               Panorama Enterprises

Merits:  
Argued by Stephen Rykoff for appellant and by Roy Weatherup for respondent. Cause submitted.

B112149     Greco  
               v.  
               Fox

Merits:  
Argued by Charlotte Costan for appellant and cross-respondent and by Harry Chamberlain for respondent and cross-appellant. Cause submitted.

Court recessed.

DIVISION TWO (Continued)

The Court reconvened at 1:00 PM

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J., (Assigned), and G. Villanueva, Deputy Clerk.

B128719     Pruitt  
                 v.  
                 Pruitt

Merits:  
Argued by Barry Orlyn for appellant and no appearance for respondent.  
Cause submitted.

B128712     Low  
                 v.  
                 L.A. County

Merits:  
Argued by Diane Marchant for appellant and by Manuel Valenzuela for respondent. Cause submitted.

B125737     Lectrodryer  
                 v.  
                 Seoulbank

Merits:  
Argued by David Deferman for appellant and cross-respondent and by Michael Steinberg for respondent and cross-appellant. Cause submitted.

Zebrowski, J. leaves the bench.

## October 28, 1999-Continued

## DIVISION TWO (Continued)

B129519 Writers Guild of America  
v.  
City of Los Angeles

Merits:

Argued by Gary Bostwick for appellant and by Judith Reel for respondent.  
Cause submitted.

Court adjourned.

B130186 People (Not for Publication)  
v.  
Baltazar

The Court:

The judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

## DIVISION THREE

B121661      People                      (Not for Publication)  
v.  
Wagley

The judgment is modified by striking the Penal Code section 667.5, subdivision (b), enhancement and by imposing a \$2,000 restitution fine pursuant to Penal Code section 1202.45 and, as modified, is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Schneider, J. (Assigned)

### DIVISION THREE (Continued)

B117800      Camilo Lopez, Inc., etc.      (Not for Publication)  
v.  
Sully Miller Contracting Company et al.

The judgment in favor of Subcontractor and against Surety on the payment bond is affirmed, except that the award of attorney fees in the amount of \$13,232.92 is reversed, and the trial court is directed, upon remand, to determine the reasonable amount of attorney's fees to be paid to subcontractor for attorney fees through trial, and whatever additional sum it determines is a reasonable attorney fee for the work done post-trial. The judgment in favor of Owner and against Subcontractor on the mechanic's lien is reversed, and the trial court is directed to enter judgment in favor of Subcontractor and against Owner on the mechanic's lien in the amount of \$27,225.01 (\$41,618.14, less \$7,753.34 for the first day's work, less \$6,639.79 for the cost of repairing the work), and to disallow Owner's expert witness fees. The order denying Subcontractor's motion to add Owner as a judgment debtor is affirmed.

Subcontractor is entitled to recover its reasonable attorney fees against Surety on appeal in such amount as the trial court shall determine as set above, and to recover its costs on appeal from Surety and Owner.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Schneider, J. (Assigned)

## DIVISION FIVE

B128360      People                                  (Not for Publication)  
v.  
Reginald Wallace

The judgment is affirmed.

Weisman, J. (Assigned)

We concur:   Turner, P.J.  
                      Grignon, J.

October 28, 1999-Continued

## DIVISION FIVE (Continued)

B130325      People                                  (Not for Publication)  
v.  
Malcolm Horton

The judgment is affirmed.

Weisman, J. (Assigned)

We concur:   Turner, P.J.  
                     Grignon, J.

B127001      People                                  (Not for Publication)  
v.  
Leonard Trask

The judgment is affirmed.

Weisman, J. (Assigned)

We concur:   Turner, P.J.  
                      Grignon, J.

DIVISION SIX

[illegible]

The judgment is affirmed.

Matz, J. (Assigned)

We concur: Yegan, Acting P.J.  
Coffee, J.